

Proposed Draft Rules, IDAPA 13.01.04 and 13.01.08

IDAPA 13 TITLE 01 CHAPTER 04

13.01.04 - RULES GOVERNING LICENSING

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-301, 36-401 through 412, and 36-1101, Idaho Code, to adopt rules concerning the issuance and sales of licenses. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

These definitions will provide clarity and consistency in enforcement of these rules. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

06. Eligible Property. At least three hundred twenty (320) acres of land in one (1) ~~controlled hunt unit~~ Game Management Unit as defined in 13.01.08.600 determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or pronghorn, whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (4-7-11~~XX-XX-XX~~)

07. Landowner. Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser, and any affiliates, management companies, associated entities, wholly-owned subsidiaries, corporations, or limited liability corporations wherein fifty percent (50%) or more of the ownership or controlling interest is maintained by a single individual, partnership or corporation. (4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

400. LANDOWNER APPRECIATION PROGRAM.

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners. Land registered and participating in Subsection 404 of these rules shall not be eligible for Landowner Appreciation Program controlled hunt tags. Landowners not complying with prohibitions listed in Subsection 400.08, of these rules, shall not be eligible to participate in the landowner appreciation program and/or Private Lands Tags program for three (3) years. (4-7-11~~XX-XX-XX~~)

02. Controlled Hunt Units Areas. Landowner Appreciation Program controlled hunt tags shall be issued only for those controlled ~~hunt units~~ hunt areas designated by the Director as eligible for such permits. (4-7-11~~XX-XX-XX~~)

03. Qualifying Property. Only property that is used by and provides significant habitat values for deer, elk or pronghorn qualifies for the Landowner Appreciation controlled hunt tag program. Landowners may receive Landowner Appreciation controlled hunt tags only for the species and sex that use the property. Property will be registered based on Game Management Unit (GMU) level and species of use (4-7-11~~XX-XX-XX~~)

04. Applications for Landowner Appreciation Controlled Hunt Tags. Applications for landowner appreciation controlled hunt tag(s) shall be on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application. (4-7-11)

a. Applications from landowners with six hundred forty (640) acres or more within a controlled hunt area will be accepted on or after June 15 of each year. Applications received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15 of each year will be entered in the random drawing for tags. Each application will be entered in the random drawing one (1) time based upon one weighted chance for each six hundred and forty (640) acres of eligible property registered by the landowner that are within the controlled hunt area; EXCEPT, no more than eight (8) weighted chances per registered landowner will be entered in the random drawing. ~~For example, if a landowner has six thousand four hundred (6,400) eligible acres, the application will be entered into the random drawing ten (10) times.~~ (4-7-11XX-XX-XX)

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more. (4-7-11)

c. Landowners may receive Landowner Appreciation controlled hunt tags only for the species that use the property. (XX-XX-XX)

05. Left Over Tags. Landowners with three hundred twenty (320) acres or more may apply for left-over tags following the random draw. ~~Written applications will be accepted~~ Tags will go on sale at 10 a.m. Mountain Time at any Idaho Department of Fish and Game Office on after August 15 of each year on a first-come, first-served basis. If August 15 is not a normal business day, the sale will start at 10 a.m. Mountain Time the next normal business day. Applications must be accompanied by the appropriate application fee as specified in Section 36-416, Idaho Code. (4-7-11XX-XX-XX)

06. Property and Applicant Registration. (5-15-95)

a. Prior to any eligible applicant applying for a Landowner Appreciation Program controlled hunt, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility. (4-7-11)

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), and the most recent tax assessment(s), describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (4-5-00)

c. If the person registering is an authorized corporate or partnership representative, he shall submit with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (4-5-00)

d. The landowner providing the LAP tag must allow the recipient of the LAP tag the opportunity to hunt on the landowner's registered property for the appropriate species. (XX-XX-XX)

e. Landowner Appreciation Program tags are valid for the entire controlled hunt area. (XX-XX-XX)

07. Issuance of Controlled Hunt Tag(s). (4-7-11)

a. Once the Department has determined the number of controlled hunt tags to be issued in any controlled hunt area ~~unit~~, an additional ten percent (10%) of the number of controlled hunt tags MAY be issued as Landowner Appreciation Program tags. ~~In subsequent years up to twenty five percent (25%) of the number of controlled hunt tags~~

~~MAY be issued only if the hunt is over-subscribed by eligible Landowner Appreciation Program applicants.~~
~~(4-7-11XX-XX-XX)~~

b. Where the number of landowner appreciation applicants exceeds the number of landowner appreciation controlled hunt tags available in a unit, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (4-7-11)

c. No more than two (2) Landowner Appreciation Program controlled hunt tags, per species, may be issued to any eligible individual landowner. ~~(4-7-11XX-XX-XX)~~

d. Only one (1) leftover Landowner Appreciation Program controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty nine (639) acres within the controlled hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. Only one (1) landowner appreciation program controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within the controlled hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. One (1) additional controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within the controlled hunt area designated by the Director with Landowner Appreciation Program controlled hunt tags. No landowner or designated agent(s) is eligible to receive more than one (1) controlled hunt tag for one (1) species in a calendar year; EXCEPT: landowners or designated agent(s) may receive one (1) additional extra tag for deer, elk or pronghorn. ~~(4-7-11XX-XX-XX)~~

e. A successful landowner, corporate or partnership representative drawing a landowner appreciation program controlled hunt tag may designate to whom the controlled hunt tag will be issued pursuant to Subsection 400.08 of this rule. (4-7-11)

08. Prohibitions. Landowner Appreciation Program controlled hunt tags shall not be sold or marketed. (4-7-11)

09. Application of Controlled Hunt Restrictions. (7-1-93)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible to apply for a landowner appreciation program controlled hunt tag. (4-7-11)

b. Landowner appreciation program controlled hunt tags issued to non-residents shall not be considered as part of the non-resident quota. (4-7-11)

c. Landowner appreciation program controlled hunt tags are exempt from the one (1) year waiting periods applicable for certain antlered deer, and antlered elk and pronghorn permits tags; EXCEPT: the one (1) year waiting period will apply in those landowner appreciation program controlled hunts where the number of eligible landowners exceed the number of tags equal to or more than a ratio of two to one (2:1). ~~(4-7-11XX-XX-XX)~~

d. The one (1) year waiting period applicable for antlered deer and antlered elk Landowner Appreciation Program tags does not apply to left-over tags. ~~(XX-XX-XX)~~

10. Special Restrictions. Any person hunting with a Landowner appreciation program controlled hunt tag shall hunt only within the boundaries described in the controlled hunt area designated by the Director. Only valid, current-year controlled hunt deer, elk, or pronghorn tags may be used in conjunction with a landowner appreciation program. No person shall kill more than one (1) deer, elk or pronghorn during a calendar year EXCEPT: (4-7-11XX-XX-XX)

a. Depredation Hunts. In depredation hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts; EXCEPT: those depredation hunters who were selected for depredation hunts prior to the controlled hunt season for the unit(s) in which they hold a controlled hunt tag must include any animal

they harvest within the restrictions imposed by the controlled hunt tag.

(4-7-11)

b. Extra Tag Hunts. In extra tag hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts.

(4-7-11)

c. Limits on Take - Deer, Elk, Pronghorn. In no event shall any person take more deer, elk or pronghorn in a calendar year than the number of tags the person legally possesses for each species.

(4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

404. PRIVATE LAND TAG PROGRAM.

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners owning at least five thousand (5,000) acres in a Game Management Unit. Land registered and participating in Section 400 of these rules shall not be eligible. Landowners not complying with prohibitions listed in Subsection 400.08, of these rules shall not be eligible to participate in the Private Lands Tag program and, or the Landowner Appreciation Program for three (3) years.

(XX-XX-XX)

02. Controlled Hunt Areas. Private Land Tags shall be issued only for those controlled hunt areas designated pursuant to section 400.02.

(XX-XX-XX)

03. Qualifying Property. Property will be registered at the Game Management Unit level. Only property that is used by and provides significant habitat values for deer or elk or pronghorn qualifies for private land tags.

(XX-XX-XX)

04. Applications for Private Land Tags. Applications for Private Land Tags shall be submitted on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application.

(XX-XX-XX)

a. Applications from landowners with five thousand (5,000) acres or more of private land will be accepted on or after June 15 to July 15 of each year.

(XX-XX-XX)

b. Applications must include the following:

(XX-XX-XX)

i. an approved depredation release agreement for damage caused by deer, elk or antelope on all property owned by the landowner within the Game Management Unit, on a form prescribed by the Department, and

(XX-XX-XX)

ii. a harvest management agreement. Objectives of this agreement will address: additional hunting opportunity for non-PLT recipients, and other harvest related issues, such as alleviating big game depredation on adjacent lands.

(XX-XX-XX)

05. Tag Validity. Private Land Tags are only valid on private land registered by the landowner, and only for those seasons as prescribed by the Commission.

(XX-XX-XX)

06. Property and Applicant Registration.

(XX-XX-XX)

a. Prior to any eligible applicant applying for a Private Land Tag, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility.

(XX-XX-XX)

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), and the most recent tax assessment(s).

describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (XX-XX-XX)

c. If the person registering is an authorized corporate or partnership representative, he shall submit with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (XX-XX-XX)

07. Issuance of Private Land Tags. (XX-XX-XX)

a. Number of Private Land Tags for deer and elk will be established annually pursuant to Commission authority; EXCEPT: the total number of tags may not exceed 10% of the total statewide controlled hunt tags available for those species. (XX-XX-XX)

b. No more than one (1) either-sex pronghorn tag may be issued annually to an eligible landowner. (XX-XX-XX)

c. Landowners are eligible for limited number of Private Land Tags, based on the following registered acreage criteria: (XX-XX-XX)

i. five thousand (5,000) to nine thousand nine hundred ninety nine (9,999) acres are eligible for two (2) tags, (XX-XX-XX)

ii. ten thousand (10,000) to nineteen thousand nine hundred ninety nine (19,999) acres are eligible for three (3) tags, (XX-XX-XX)

iii. twenty thousand (20,000) or more acres are eligible for four (4) tags. (XX-XX-XX)

d. Notwithstanding limitations in Subsection 404.07(b) of these rules, landowners may elect tags from the following: pronghorn, deer, elk. (XX-XX-XX)

e. No landowner or designated agent(s) is eligible to receive more than one (1) controlled hunt tag for one (1) species in a calendar year; EXCEPT: landowners or designated agent(s) may receive one (1) additional extra tag for deer, elk or pronghorn. (XX-XX-XX)

f. An eligible landowner, corporate or partnership representative may designate to whom their Private Land Tag(s) will be issued pursuant to Subsection 404.08 of this rule. (XX-XX-XX)

08. Prohibitions. Private Land Tags shall not be sold or marketed. (XX-XX-XX)

09. Application of Controlled Hunt Restrictions. (XX-XX-XX)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible for Private Land Tags. (XX-XX-XX)

b. Private Land Tags issued to non-residents shall not be considered as part of the non-resident quota. (XX-XX-XX)

c. Private Land Tags are exempt from the one (1) year waiting periods applicable for antlered deer and elk tags. (XX-XX-XX)

10. Special Restrictions. Any person hunting with a Private Land Tag shall hunt only within the boundaries of the registered private land for which the tag was issued. No person shall kill more than one (1) deer, elk or

pronghorn during a calendar year; EXCEPT:

(XX-XX-XX)

a. Depredation Hunts. In depredation hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts.

(XX-XX-XX)

b. Extra Tag Hunts. In extra tag hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts.

(XX-XX-XX)

c. Limits on Take - Deer, Elk, Pronghorn. In no event shall any person take more deer, elk or pronghorn in a calendar year than the number of tags the person legally possesses for each species.

(XX-XX-XX)